

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:05-CR-166-BO
No. 5:15-CV-596-BO

CHARLES ROBERT BAREFOOT, JR.,)
Petitioner,)
)
)
v.))
)
)
UNITED STATES OF AMERICA,))
Respondent.)

O R D E R

This cause comes before the Court on petitioner's (Barefoot) motion to have good show cause and motion regarding the Court's intention to construe. [DE 410 & 446]. Also before the Court is Barefoot's motion for extension of time to respond to the government's amended motion to dismiss or in the alternative for summary judgment. [DE 449].

I. TRANSFER OF CLAIM

By order entered May 18, 2016, the Court notified Barefoot that it intended to treat his motion to have Warden Jodie L. Snyder Norris at the Federal Correctional Institution in Ashland, Kentucky show cause as a *Bivens* claim and to transfer such claim to the Eastern District of Kentucky for adjudication as that is where Warden Norris resides and where the issue arose. [DE 441]. Barefoot was permitted an opportunity to respond or object to the Court's intention. On June 6, 2016, Barefoot motioned the Court to transfer his claim to the Eastern District of Kentucky for adjudication. [DE 446]. Accordingly, the Court GRANTS Barefoot's motion and hereby TRANSFERS his claim regarding access to his legal mail to the Eastern District of Kentucky.

II. MOTION FOR EXTENSION OF TIME

For good cause shown, Barefoot's motion for extension of time to respond to the government's amended motion to dismiss or in the alternative for summary judgment is GRANTED. Barefoot's response shall be filed not later than August 1, 2016.

CONCLUSION

Accordingly, the motion for extension of time [DE 449] is GRANTED and Barefoot is permitted through and including August 1, 2016, to respond the government's amended motion. Further, Barefoot's motion of the Court's intention [DE 446] is GRANTED and the Clerk of Court is DIRECTED to transfer Barefoot's motion to have good show cause [DE 410], along with a copy of this order and the Court's order at docket entry 441, to the United States District Court for the Eastern District of Kentucky for adjudication.

SO ORDERED, this 1 day of July, 2016.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE